

04-30189 - MAP CLOSED

**U.S. District Court  
Northern District of New York [LIVE] (Albany)  
CIVIL DOCKET FOR CASE #: 1:04-cv-00285-DNH-DRH**

Papadakis v. CSX Transportation, Inc.  
Assigned to: Judge David N. Hurd  
Referred to: Magistrate Judge David R. Homer  
Demand: \$1000000  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 45:51 Railways: Fed. Employer's Liability Act

Date Filed: 03/16/04  
Jury Demand: Plaintiff  
Nature of Suit: 330 Federal Employer's  
Liability  
Jurisdiction: Federal Question

**Plaintiff**

**Paul T. Papadakis**

represented by **Dale M. Thuillez**  
Thuillez, Ford Law Firm  
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**ATTORNEY TO BE NOTICED**

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**ECF DOCUMENT**  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK.  
LAWRENCE K. BAERMAN, CLERK  
Dated: 9/22/04  
By: *[Signature]* Deputy Clerk

V.

**Defendant**

**CSX Transportation, Inc.**

represented by **Scott A. Barbour**  
 McNamee, Lochner Law Firm  
 75 State Street  
 Albany, NY 12201-0459  
 518-447-3200  
 Fax : 518-447-3361  
 Email: Barbour@mltw.com  
**ATTORNEY TO BE NOTICED**

Filing Date	#	Docket Text
03/15/2004		Summons Issued as to CSX Transportation, Inc.. (wbl, ) (Entered: 03/18/2004)
03/16/2004	 <u>1</u>	COMPLAINT against CSX Transportation, Inc. ( Filing fee \$ 150 receipt number 72687.), filed by Paul T. Papadakis.(wbl, ) (Entered: 03/18/2004)
03/16/2004	 <u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 7/14/2004 09:00 AM in Albany before Magistrate Judge David R. Homer. Civil Case Management Plan due by 7/6/2004. (wbl, ) (Entered: 03/18/2004)
06/04/2004	 <u>3</u>	ANSWER to Complaint by CSX Transportation, Inc..(Barbour, Scott) (Entered: 06/04/2004)
06/07/2004		Clerk's Advisement NOTICE that the Law Firm of Thorton & Naumes did not receive electronic notification of the filing of the <u>3</u> Answer to Complaint. A Certificate of Mailing needs to be filed. (see) (Entered: 06/07/2004)
06/07/2004	 <u>4</u>	AFFIDAVIT of Service for Answer served on Robert M. Byrne, Jr., Esq. on June 7, 2004, filed by CSX Transportation, Inc.. (Barbour, Scott) (Entered: 06/07/2004)
07/01/2004	 <u>5</u>	First MOTION to Change Venue Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 8/10/2004 Reply to Response to Motion due by 8/16/2004. by CSX Transportation, Inc.. (Attachments: # <u>1</u> Affidavit of Scott A. Barbour# <u>2</u> Memorandum of Law # <u>3</u> Affidavit)(Barbour, Scott) (Entered: 07/01/2004)

07/13/2004	<a href="#"><u>6</u></a>	NOTICE Cancelling Rule 16 Deadline due to pending motion to change venue. Signed by L. Hennessy for Judge David R. Homer on 7/13/04. (wjg, ) (Entered: 07/14/2004)
08/09/2004	<a href="#"><u>7</u></a>	Response in Opposition to the <a href="#"><u>5</u></a> Motion to Change Venue by Paul T. Papadakis. (Attachments: # <a href="#"><u>1</u></a> Affidavit in Opposition# <a href="#"><u>2</u></a> Exhibit "A" to Affidavit# <a href="#"><u>3</u></a> Memorandum of Law # <a href="#"><u>4</u></a> Memorandum of Law Cited Cases)(Thuillez, Dale) Modified on 8/10/2004 (see, ). (Entered: 08/09/2004)
08/10/2004	<a href="#"><u>8</u></a>	CLERK'S CORRECTION OF DOCKET ENTRY as to the <a href="#"><u>7</u></a> Motion to Change Venue: 1) edited docket text to reflect that submissions are in Opposition to the <a href="#"><u>5</u></a> Motion; 2) removed from docket text motion hearing/ddls associated w/entry; 3) terminated document 7 as a pending motion since it is in opposition to an existing motion; 4) responses should be entered by selecting "responses and replies" under the Civil Related Filings heading; 5) submission has been accepted for filing, no further action is required. (see, ) (Entered: 08/10/2004)
08/13/2004	<a href="#"><u>8</u></a>	MEMORANDUM OF LAW <i>Reply Memo of Law in reply to papers submitted by plaintiff in opposition to a motion by CSX to transfer this action</i> filed by CSX Transportation, Inc.. (Barbour, Scott) Modified on 8/13/2004 (ban). (Entered: 08/13/2004)
08/13/2004	<a href="#"><u>9</u></a>	CLERK'S CORRECTION OF DOCKET ENTRY: Deleted attachment (Reply Affidavit) from Document #8 b/c it was mistakenly filed with the memorandum of law. Also corrected docket text to accurately describe document #8. Reply Affidavit to be filed seperately by counsel. (ban) (Entered: 08/13/2004)
08/13/2004	<a href="#"><u>9</u></a>	REPLY to Response to Motion re <a href="#"><u>5</u></a> First MOTION to Change Venue <i>Reply Affidavit of Gary M. Baker</i> filed by CSX Transportation, Inc.. (Barbour, Scott) (Entered: 08/13/2004)
08/18/2004	<a href="#"><u>10</u></a>	Advisement NOTICE to Atty Barbour that pltf's counsel from the law firm of Thorton & Naumes did not receive notice of electronic filing of the <a href="#"><u>9</u></a> Reply to Response to Motion & <a href="#"><u>8</u></a> Memorandum of Law. A certificate of mailing will need to be filed as to the above. (see) (Entered: 08/18/2004)
08/18/2004	<a href="#"><u>10</u></a>	AFFIDAVIT of Service for Reply Memorandum of Law and Reply Affidavit of Gary M. Baker served on Thornton, Naumes Law Firm on August 13, 2004, filed by CSX Transportation, Inc.. (Barbour, Scott) (Entered: 08/18/2004)
08/19/2004	<a href="#"><u>11</u></a>	NOTICE of Hearing on Motion <a href="#"><u>5</u></a> First MOTION to Change Venue: Motion Hearing set for 8/27/2004 11:30 AM in Albany before Judge

		David N. Hurd. Oral argument mandatory. Appearance required. Please adjust your calendars to reflect this change.(cmr, ) (Entered: 08/19/2004)
08/30/2004	11	Minute Entry for proceedings held before Judge David N. Hurd : Motion Hearing held on 8/27/2004 in Albany, NY. re 5 First MOTION to Change Venue filed by CSX Transportation, Inc.. (Court Reporter Theresa Casal) (cmr, ) (Entered: 08/30/2004)
08/31/2004	12	ORDER granting deft's 5 Motion to Change Venue to the District of Massachusetts; the Clerk if the Court is directed to transfer this action to the District of Massachusetts. Signed by Judge David N. Hurd on 8/27/2004. (see) (Entered: 08/31/2004)
09/10/2004	13	TRANSCRIPT of Proceedings held on 8/27/04 (motion) before Judge Hurd. Court Reporter: T. Casal. (wjg, ) (Entered: 09/10/2004)
09/22/2004		Sent certified copies of the entire file, since case is in electronic format, along w/the original transcript filed on 9/10/2004 to the Clerk of the District of Massachusetts w/cover letter and copy of cover letter for return receipt. (see) (Entered: 09/22/2004)